

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and relief of sore nipples and which contained directions that the shield be applied as soon after delivery as possible; that in using them the only attention required was to wipe the nipple previously to nursing and to apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant, particularly in view of the failure of the labeling to reveal facts material in the light of such representations, or material with respect to the consequences which might result from the use of the article to which the labeling related under conditions of use so prescribed or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning may result in infants fed from breasts of mothers using this appliance.

On March 7, March 8, April 10, and May 4, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

27. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 24 Cartons of Dr. Wansbrough's Metallic Nipple Shields (and 7 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 126, 137, 153, 165, 173, 174, 209, 230. Sample Nos. 17576-D, 34375-D, 35879-D, 43626-D, 44826-D, 45756-D, 48340-D, 59382-D.)

Between the dates of January 20 and May 25, 1939, the United States attorneys for the Southern District of New York, the District of Columbia, Northern District of Illinois, Northern District of California, District of Massachusetts, Western District of North Carolina, District of Maryland, and District of Minnesota filed libels against the following lots of Wansbrough's Metallic Nipple Shields: 24 cartons at New York, N. Y.; 69 cartons at Washington, D. C.; 16 packages at Chicago, Ill.; 27 packages at Oakland, Calif.; 49 packages at Boston, Mass.; 17 packages at Charlotte, N. C.; 5 packages at Baltimore, Md.; and 9 packages at Minneapolis, Minn. The libels alleged that the article had been shipped in interstate commerce within the period from on or about September 8, 1938, to on or about January 19, 1939, by the John M. Maris Co. (one shipment made in the name of John M. Maris Corporation) in part from Philadelphia, Pa., and in part from New York, N. Y.; and charged that it was misbranded.

Misbranding was alleged in that the article was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and cure of sore nipples and which contained directions that the shields should be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing, and to apply the shields again immediately afterwards, and that they were in no way likely to be injurious to the infant, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to the consequences which might result from the use of the article to which the labeling related under the conditions of use prescribed therein or under such conditions of use as are customary or usual.

Between the dates of February 7 and July 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

28. Misbranding of Dr. Wansbrough's Metallic Nipple Shields. U. S. v. 26 Packages and 22 Packages of Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. Nos. 172, 222. Sample Nos. 43632-D, 64059-D.)

On February 16 and April 20, 1939, the United States attorneys for the Northern District of California and the Eastern District of Washington filed libels against 26 packages of Dr. Wansbrough's Metallic Nipple Shields at San Francisco, Calif., and 22 packages of the same product at Spokane, Wash.; alleging that the article had been shipped in interstate commerce, the former on or about August 16, 1939, by McKesson & Robbins, Inc., from New York, N. Y. (this lot was invoiced by John M. Maris, the manufacturer) and the latter on or about December 13, 1938, and January 24, 1939, by W. J. Wardall, trustee for McKesson & Robbins, Inc., from Bridgeport, Conn.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling in which it was recommended for the prevention and relief of sore nipples, and which contained directions that the shields be applied